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**CLARK COUNTY**  
WASHINGTON

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## COMMUNITY PLANNING

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TO: Board of County Commissioners  
Clark County Planning Commission

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DATE: May 21, 2007

SUBJECT: Bringing Resource Lands into UGAs

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### Introduction

Clark County is in the process of updating its comprehensive plan. Part of the plan update includes a proposal to expand urban growth boundaries around each of the cities. The Preferred Alternative presented in the final EIS analyzes urban growth boundary expansions of 12,063 acres. Of this, 4,727 acres are designated as resource (agriculture and forest) lands. The purpose of this staff report is to present information to be used by the Planning Commission and the Board of County Commissioners (Board) in determining whether or not these resource lands should be brought into UGAs. Resource lands in each UGA are broken out by subarea and are shown in Attachment A.

### Background

The Growth Management Act (GMA) requires that each county shall designate where appropriate “agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production” (RCW 36.70A.170). RCW 36.70A.060 requires that counties “...develop regulations to assure the conservation of agriculture, forest, and mineral resource lands...”, and that “such regulations shall assure that the use of lands adjacent to agriculture, forest, and mineral resource lands shall not interfere with the continued use.” The county has designated resource lands and development regulations to assure their conservation in the current comprehensive plan.

The Planning Commission and Board were presented a staff report on commercially viable agriculture on May 4, 2007. The staff report cites the two recent court cases regarding the criteria used by counties in the designation and de-designation of resource lands, information that is relevant to this exercise. Also cited in that staff report and attached (Attachment D) is a study done by Bruce Pregelbauer of Globalwise entitled “An Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington”. This document characterizes the current state of agricultural operations in the county and provides some conclusions about the future. Both the court cases and the report are summarized below.

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Court cases. The first decision, *Snohomish County v. Corinne Hensley et al.*, stated that soil types were the primary consideration in GMA when determining land's suitability for agricultural purposes. At this point it appeared that the courts were going to strictly interpret resource land suitability in terms of soil types.

Shortly after the *Snohomish County* decision, the State of Washington Supreme Court (Supreme Court hereafter) then issued the Lewis County decision (*Lewis County vs. Western Washington Growth Management Hearings Board*). The court stated that the designation of agricultural land need not be solely based on the physical character of the land (e.g., soil type). The Supreme Court further ruled that agricultural lands are those lands that:

- are not already characterized by urban growth;
- are primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics; and
- have long-term commercial significance for agricultural production.

The last two criteria are also stated in the definition of "agricultural land" found at RCW 36.70A.030(2).

The Court emphasized the broad discretion counties have in making choices within the parameters set by the GMA and the implementing regulations issued by the Department of Community Trade and Economic Development. After the Supreme Court decided the *Lewis County* case, the Court of Appeals modified the Snohomish County decision to hold that soil types were a consideration but not the primary consideration in designating agricultural lands.

Globalwise Report Globalwise's report concludes that traditional agriculture is rapidly declining in Clark County, primarily due to increasing property values. "Niche agriculture," the growing of land-intensive specialty crops, has replaced land-extensive traditional row crops such as corn and wheat. The county has also seen a decline in other agricultural uses such as dairy farms.

## **Discussion**

In order to de-designate agricultural lands, the Board is required to make findings based upon the record that the lands do not meet one or more of the three bulleted criteria above. County staff prepared a matrix that includes information based on these criteria. The matrix is included as Attachment B.

- *Characterized by urban growth:*  
Staff used the plain reading of "land already characterized by urban growth" as lands parcelized to urban levels with water and or sewer lines within the boundaries. Also noted was whether the sub area is adjacent to an urban growth area, an urban reserve area, or a rural center.
- *Primarily devoted to commercial production of agricultural products or capable of production:*  
This criterion relates to whether or not the land is in production or is capable of being used. The matrix indicates whether the land is actually being farmed by referencing the maps included in the Globalwise Report regarding the 145 farms that were identified as commercial farms. The percentage of land in the County's agriculture/farm current use program is also provided. Regarding capability, percentage of prime agricultural soils is indicated, as well as environmental constraints.

- *Having long-term commercial significance:*

This criterion considers the potential long-term commercial significance of land for agriculture based on growing capacity, productivity, and soil composition as well as proximity to population areas and the possibility of more intense uses of the land (RCW 36.70A.030(10)). The matrix indicates the land's soil types. With respect to proximity to population areas and the possibility of more intense use, the rest of the columns reflect the WAC criteria (WAC 365-190-050) that address this issue:

- Availability of public facilities;
- Tax status;
- Availability of public services (combined with public facilities);
- Relationship or proximity to urban growth areas;
- Predominant parcel size;
- Land use settlement patterns and their compatibility with agricultural practices;
- Intensity of nearby land uses;
- History of Land development permits issued nearby;
- Land values under alternative uses; and
- Proximity to markets.

The Preferred Alternative includes 155 acres of forest lands proposed for inclusion in the Camas UGA (Subarea CA-2). In order to de-designate forest lands, a similar finding to that for agricultural land has to be made by the Board. Included in the matrix (Attachment B) is information based on the WAC criteria for these forest lands.

### **Additional information**

Attachment C is data provided by the Department of Assessment and GIS indicating the assessed value of parcels per acre and per zone without deductions for current use or senior exemptions. Those values highlighted in green are specifically the zones that are proposed for the resource lands discussed in this staff report and are utilized to address the "Land Values under Alternative Uses" criteria.

Attachment E and F includes information that was presented to the Board and Planning Commission in the previous staff report. Attachment E is the technical environmental information that was provided by GIS. Attachment F is a letter from a rural property owner stating that their farm can no longer sustain even one family wage job in farming, and that the owners would like their property included in the UGB.

### **Attachments:**

- A: Agriculture Viability Study Areas-Preferred Alternative Maps (by UGA)
- B: Assessment of Resource Lands in the Preferred Alternative
- C: Assessed Value without Tax Deductions by County Zoning Classification
- D: Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington
- E: Agricultural or Forest Zoned Properties in Preferred Plan Urban Growth Boundary Expansion
- F: Letter from Rural Property Owner